

## Stark County Planning and Zoning Commission Minutes

August 1, 2019  
3:00 PM

Chairman Dean Franchuk called the meeting of the Stark County Planning and Zoning Commission to order. Chairman Dean Franchuk, Carla Arthaud, Scott Decker, Sue Larsen, Sandra Kuntz, Sarah Trustem, and Kurt Froelich were present and absent were Byron Richard, and Daneen Dressler. Also present were County Planner Steve Josephson, States Attorney Tom Henning and Nicole Roberts of the Auditor's office.

Carla Arthaud moved to approve the minutes with amended changes from the June 27, 2019 meeting. Sarah Trustem seconded. All voted Aye and motion carried.

Chairman Franchuk opened the hearing for **CUP 02-19 - Badlands Cellular of North Dakota Limited Partnership doing business as Verizon Wireless**. The request is for a conditional use permit for a 259-foot telecommunications tower on a property located in the SE4 of Section 17, Township 137, and Range 99 containing approximately 156.4 acres on a lease area of approximately 0.23 acres.

Chairman Franchuk asked anyone to speak either for or against the conditional use permit for Badlands Cellular of North Dakota Limited Partnership.

Chairman Franchuk closed the hearing.

Kurt Froelich moved to recommend to the Stark County Board of Commissioners the approval of a conditional use permit for a 259-foot telecommunications tower on a property located in the SE4 of Section 17, Township 137, Range 99 containing approximately 156.4 acres on a lease area of approximately 0.23 acres following staff recommendations for Badlands Cellular of North Dakota Limited Partnership.

Carla Arthaud seconded. Roll call vote. All voted Aye and the motion carried.

### **STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:**

1. The location of the proposed project should not adversely impact the existing uses in the vicinity; and
2. The conditional use shall be limited through the inclusion of the following conditions:
  - a. **Development shall be limited to a self-supporting lattice telecommunications tower, equipment building, generator, accessory equipment, and accessory structures to protect communications equipment on site;**
  - b. **The maximum height of the radio tower shall be limited to 259 feet;**
  - c. **The location of the tower and accessory buildings shall be as shown on the drawings received by Stark County on July 1, 2019;**
  - d. **The tower shall allow for co-location of four additional providers;**
  - e. **Development of the radio tower shall be performed in accordance with Chapter 6.23 of the Stark County Zoning Ordinance as well as with all applicable County, State and Federal rules and regulations; and**

- f. Any proposed change of use of the tower, increase in height or change of location shall require a hearing before the Stark County Planning and Zoning Board and approval as well as approval from the Stark County Commission; and
- g. The service provider shall report to the Zoning Administrator if the telecommunications tower facility is no longer in use. The telecommunications tower facility shall be removed, at the service provider's expense, within six (6) months of this notice and the site shall be restored by the service provider to its pre-existing condition.

The subject property is currently zoned Agriculture. As the surrounding area is undeveloped and appears to be in agricultural use, the proposed conditional use is consistent with the following objective of The Stark County Comprehensive Plan:

- **LAND USE-Avoid conflict between land uses.**

Chairman Franchuk opened the public hearing for **RZ 07-19 Amber Gordon**. The request is for a rezoning from Agriculture to Rural Residential on a property located at 9287 Highway 10 in the SW ¼ of Section 34, Township 140, Range 93 containing approximately 12.55 acres.

Chairman Franchuk asked anyone to speak either for or against the zoning change for Amber Gordon. Chairman Franchuk closed the public hearing.

Sarah Trustem moved to recommend to the Stark County Board of Commissioners the approval for rezoning from Agriculture to Rural Residential on a property located at 9287 Highway 10 in the SW ¼ of Section 34, Township 140, Range 93 containing approximately 12.55 acres following staff recommendations for RZ 07-19 Amber Gordon.

Scott Decker seconded. Roll call vote. All voted Aye and the motion carried.

**STAFF RECOMMENDATION:** Approval of the proposed rezoning based upon the following finding:

- The proposed rezoning is consistent with the development pattern in the vicinity.

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

- **LAND USE-Strive to protect the agricultural integrity of rural areas; and**  
**LAND USE-Avoid conflicts between land uses.**

Chairman Franchuk opened the hearing for **CUP 03-19 - Chad Binstock**. The request is a conditional use permit for a mobile home on a property located at 11061 47<sup>th</sup> Street SW in the S ½ of the E ½ of the W ½ of Section 27, Township 138, Range 96 containing approximately 7.71 acres.

Chairman Franchuk asked anyone to speak either for or against the rezoning for Chad Binstock. Chairman Franchuk closed the public hearing.

Sarah Trustem moved to recommend to the Stark County Board of Commissioners the approval of the conditional use permit for a mobile home on a property located at 11061 47<sup>th</sup> Street SW in the S ½ of the E ½ of the W ½ of Section 27, Township 138, Range 96 containing approximately 7.71 acres following staff recommendations for Chad Binstock.

Kurt Froelich seconded. Roll call vote. All voted Aye and the motion carried.

**STAFF RECOMMENDATION:** Approval of the proposed conditional use permit based upon the following findings:

1. The location of the proposed project should not adversely impact the existing agricultural uses in the vicinity; and
2. The conditional use shall be limited through the inclusion of the following condition:
  - a. **Development and operation of the site shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

Chairman Franchuk opened the hearing for **TUP 01-19 - Central Specialties Inc.** The request is for a temporary use permit for worksite housing on a property located in the SE ¼ of Section 18, Township 139, Range 91 containing approximately 90.86 acres.

Chairman Franchuk asked anyone to speak either for or against the Conditional Use Permit for Central Specialties Inc. Chairman Franchuk closed the public hearing.

Scott Decker moved to recommend to the Stark County Board of Commissioners the approval of the Temporary Use Permit, with amended conditions, for worksite housing on a property located in the SE ¼ of Section 18, Township 139, Range 91 containing approximately 90.86 acres following staff recommendations for Central Specialties Inc.

Sue Larsen seconded. Roll call vote. All voted Aye, except Carla Arthaud voted nay and the motion carried.

**STAFF RECOMMENDATION:** Approval of the proposed temporary use permit based upon the following findings:

1. Through the inclusion of conditions, the location of the proposed project should not adversely impact the existing agricultural uses in the vicinity.
2. The temporary use shall be limited through the inclusion of the following conditions:
  - a. **The temporary use permit shall be limited to worksite housing for employees of Central Specialties Inc. only.**
  - b. **The duration of the temporary use permit shall be August 6, 2019 through November 30, 2019.**
  - c. **The number of trailers and recreational vehicles on the site shall be limited to 25.**
  - d. **Operations associated with the temporary use permit shall be generally restricted to the area shown on the map submitted with the application received on July 17, 2019.**
  - e. **No permanent structures shall be erected on the site.**
  - f. **The developer shall coordinate with Stark County Emergency Management. The developer shall meet any and all applicable Emergency Management Department requirements.**
  - g. **No temporary structures, vehicles or equipment shall be stored on the site after November 30, 2019.**
  - h. **Access points serving the subject property shall be determined in accordance with Stark County regulations.**
  - i. **The developer shall be responsible for all maintenance associated with the temporary use permit.**

- j. Any proposed change of the temporary use permit shall require a hearing before the Stark County Planning and Zoning Board and approval from the Stark County Commission.**
- k. The permit may be revoked by the County Commission anytime the applicant is in non-compliance with any of the conditions set by the Planning and Zoning Board or the County Commission for the issuance of the permit.**
- l. Development and operation of the worksite housing associated with the temporary use permit shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

The request is consistent with the following objective of the Stark County Comprehensive Plan:

- LAND USE-Avoid conflicts between land uses.

Scott Decker moved to adjourn. Sarah Trustem seconded.